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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,425	08/30/2000	Christopher Songer	003048.P008	2566

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EXAMINER

VU, TUAN A

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 09/10/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/651,425

Applicant(s)

SONGER ET AL.

Examiner

Tuan A Vu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. This action is responsive to the Applicant's response filed July 14, 2003.

As indicated in Applicant's response, claims 1, 22, 43, and 44 have been amended.

Claims 1-44 are pending in the office action.

#### *Drawings*

2. The formal drawing submitted and filed July 4, 2003 are received and considered.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9, 19-30, and 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tseng et al., USPN: 6,009,256 (hereinafter Tseng), in view of Kolchinsky et al., USPN: 5,535,406 (hereinafter Kolchinsky).

**As per claim 1**, Tseng discloses a method of creating run time executable code, comprising:

partitioning a processing element (PE) array into a plurality of hardware accelerators (e.g. col. 1, lines 45-59; FPGA *chip*, col. 10, lines 2-22; col. 12, lines 45-55 – Note: array of chips on to be reconfigured into circuits is equivalent to array of PEs being partitioned in plurality of hardware accelerators)

decomposing a program source code ( e.g. col. 58, line 62 to col. 59, line 50; Fig. 4, 26, 28; *Verilog, VHDL, parsing process, compiler 210* - col. 15, line 62 to col. 16, 38 - Note:

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language that is programmed from human readable format then parsed and compiled into machine readable constructs are source program code, e.g. Verilog and VHDL)

into a plurality of kernel sections (e.g. *code component* -col. 13, lines 27-36; *HDL code description, component*-- col. 11, lines 47- 64; *RTL level ... signals* – col. 60, lines 53-62; Fig. 29 – Note: HDL code component analysis is equivalent to decomposing into kernel sections; steps 301, 302, 304, 310, Fig. 4)

for execution on said plurality of hardware accelerators (e.g. Fig. 25-30 – Note: RTL level signal used in program to effect signaling of gates in FPGA is equivalent to kernel sections for executing hardware accelerators in FPGA);

mapping said kernel sections into a plurality of hardware dependent designs (e.g. *hardware model, gate level*, – col. 11, lines 47- 64; *hardware execution models* - col. 13, lines 36-40 ); and

generating a mapping between said hardware accelerators and said hardware dependent designs configured to support run time execution (e.g. steps 306, 307, 309 - Fig. 4 ; Fig. 6; col. 19, lines 14-21; col. 21, lines 36-43 ) of the plurality of kernel sections (e.g. Fig. 25-30).

But Tseng does not specify forming a matrix describing said hardware accelerators and said hardware dependent designs configured to support run time execution. Tseng, however, discloses mapping of hardware models or logic component to reconfigurable boards or circuit (e.g. Fig. 6; col. 21, line 63 to col. 22, line 8; step 309 - Fig. 4) and optimizing functions in interconnecting processing elements using a matrix (e.g. col. 25, line 49 to col. 26, line 15). Further, Kolchinsky, in a method for processing applications using programmable logic device, e.g. FPGA, in executing a multitasking kernel with logic design configuration and encoded

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hardware algorithm coupling analogous to the hardware/software modeling and simulation process by Tseng, discloses using a programmable logic matrix array for mapping execution operations to criteria of the hardware control and configuration (e.g. col. 5, lines 35-65) to perform a specific algorithm. In view of Tseng's suggesting of the use of connectivity matrix and mapping of software logic or models to processing elements or circuits, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use the matrix array as suggested by Kolchinsky and apply it to the descriptively mapping of hardware modeled from software components (designs as claimed) to the reconfigurable target circuits (accelerators as claimed) as taught by Tseng because this would provide more visibility to the mapping process and added flexibility, hence cost-efficiency, for modification or correction in general and specially when the target architecture increases in complexity ( Kolchinsky: col. 1, line 61 to col. 2, line 4).

**As per claims 2 and 3**, Tseng further discloses partitioning into digital signal processors ( re claim 2) and into bins ( re claim 3) (*EAB, DSP* -- col. 51, lines 27-34 ; *cluster* – col. 22, line 46-57 -- Note: array blocks or clusters are equivalent to bins).

**As per claim 4**, Tseng further discloses mapping includes mapping into multiple hardware contexts ( e.g. col. 22, line 12-45; Fig. 28 – Note: grouping by gate netlist/Register Translation, or chip cluster logic/common clock is equivalent to mapping for multiple hardware context).

**As per claims 5 and 6**, Tseng further discloses mapping ( re claim 5) a first set of invariants (e.g. *FPGA component lib 361, logic function 359* – Fig. 6) and that said first set of

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variants are produced ( re claim 6) based on resource usage (e.g. RTL 358, Fig. 6; *combinational component 303*, Fig. 4 – Note: register allocation is equivalent to resource usage ).

**As per claim 7**, Tseng further discloses mapping a second set of variants of said designs configured to support multiple hardware configurations of one of a plurality of bins (e.g. circuit *design components, gate netlist* – col. 22, lines 1-23).

**As per claim 8**, Tseng further discloses mapping is performed by a place and route ( e.g. steps 352, 353, 354, 355 – Fig. 6).

**As per claim 9**, Tseng further discloses the decomposition step is performed manually (*user* -- e.g. col. 17, lines 13-17).

**As per claim 19**, Tseng further discloses that mapping includes creating context dependent configurations (e.g. col. 22, line 12-45; components 901, 903, 904-Fig. 28 – Note: configuring by gate netlist/Register Translation language, or chip cluster logic/common clock context is equivalent to mapping for multiple context dependent configuration; code components are equivalent to code context configurations).

**As per claims 20 and 21**, Tseng does not explicitly teach that the matrix used in the mapping is sparsely ( re claim 20) or fully ( re claim 21) populated; but discloses the connectivity matrix and mapping of FPGA circuits to hardware models ( e.g. Fig. 7, 16; col. 25, line 49 to col. 26, line 15), the component type used for defining partial or generalized connectivity in the array of processing elements (e.g. col. 18, lines 20-41). Combining Tseng's teaching with Kolchinsky's use of a matrix to map design logic to configuration resources as mentioned in claim 1, the limitation on such matrix being populated as claimed herein would have been obvious because of the same rationale mentioned in claim 1; and also because Tseng's

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component type analysis as mentioned above would imply sparsely or fully populating of the matrix as mentioned in claim 1.

**As per claim 22**, this claim is a system claim corresponding to claim 1 above and includes most of the limitations therein using Tseng's disclosure, namely:

plurality of hardware accelerators partitioned (e.g. col. 1, lines 45-59; FPGA *chip*, col. 10, lines 2-22; col. 12, lines 45-55 );

plurality of kernel sections (e.g. *HDL language, code component* -col. 13, lines 27-36; *HDL code description, component*-- col. 11, lines 47- 64 )

created from a program source code (e.g. col. 58, line 62 to col. 59, line 50; Fig. 4, 26, 28; *Verilog, VHDL, parsing process, compiler 210* - col. 15, line 62 to col. 16, 38 ) for execution on said plurality of hardware accelerators (e.g. Fig. 25-30);

plurality of hardware dependent designs (e.g. *hardware model, RTL, gate level*, - col. 11, lines 47- 64; *hardware execution models* - col. 13, lines 36-40 );

mapping of accelerators and kernel designs for run time execution (e.g. steps 306, 307, 309 - Fig. 4 ; Fig. 6; col. 19, lines 14-21; col. 21, lines 36-43); and further includes the matrix limitation used for said mapping, the matrix limitation having been addressed by Tseng combined with Kolchinsky as mentioned in claim 1 above; and is herein rejected using the same rationale set forth therein.

**As per claims 23-30**, these claims are system claims corresponding to claims 2-9, respectively, hence are rejected herein using the corresponding rejections set forth therein, respectively.



**As per claims 41-42**, these claims are similar to claims 20-21 above, respectively; hence are rejected herein using the same grounds set forth therein.

**As per claim 43**, this claim is a computer product version of claim 1, above hence includes all the step limitations therein and is rejected herein using the same corresponding rejections set forth therein; except for the computer readable-medium limitation which Tseng does not disclose. Official notice is taken that the use of computer readable-medium to embody software program product was a well-known concept at the time of the invention. It would have been obvious for one of ordinary skill in the art at the time the invention was made to implement the well-known computer-readable medium to incorporate Tseng's computer program product because this would facilitate the distribution of Tseng's product as well as enable the execution of such product to a wider community of users using computer reading means, thereby improve cost-efficiency.

**As per claim 44**, this claim is a system version of claim 1, above hence includes all the step limitations therein and is rejected herein using the same corresponding rejections set forth therein

5. Claims 10-17, and 31-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tseng et al., USPN: 6,009,256, and Kolchinsky et al., USPN: 5,535,406, as applied to claims 1 and 22 above, and further in view of Trimberger, USPN: 5,752,035 (hereinafter Trimberger).

**As per claim 10**, Tseng does not specify that the decomposition step is performed by a software profiler; but discloses deriving of gate combinational elements based on type analysis (e.g. col. 18, lines 22-41; step 302, Fig. 4) for network array execution path differentiation; and profiling functions to optimize the cost for placement of processing elements in the array (e.g.



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col. 23, line 58 to col. 23, line 21; Fig. 6). Trimberger, in a method for compiling and executing programs using re-programmable logic accelerator sets analogous to the FPGA accelerators used in Tseng's method (combined with Kolchinsky) for simulation, discloses the use of profiling to detect the most frequently executed code and replace it with programmable instructions unit, or accelerator set (e.g. col. 6, lines 31-56). It would have been obvious for one of ordinary skill in the art at the time the invention was made to use a profiler to detect optimizable portions of code for submission into accelerator logic units as taught by Trimberger and combine it with the analysis and optimization techniques above-mentioned by Tseng (combined with Kolchinsky) because this would provide additional performance improvement of the program execution/simulation performed in Tseng's invention (combined with Kolchinsky).

**As per claim 11**, Tseng discloses that the decomposing step includes executing code from program source code and monitoring timing of said execution (e.g. col. 20, line 4 to col. 21, line 24; Fig. 6; *monitor(\$time...)*, *test-bench component (monitor)* 906 – Fig. 26,28; *Eval Timer* 1004, Fig. 23).

**As per claims 12 and 13**, Tseng discloses utilizing set of test data (e.g col. 13, lines 41-47; *evaluate test-bench components*, steps 333, 337-Fig. 5; Figs. 29-30) in the execution of the simulation but does not specify using test data (re claim 12) in the decomposing step nor does Tseng (combined with Kolchinsky) specify that (re claim 13) said monitoring includes determining functions that consume a significant portion of execution timing. But the limitation of using a profile analysis to determine code portions occupying significant execution time prior to optimization has been addressed in claim 10 above in view of Trimberger's teachings. In view of Tseng's (combined with Kolchinsky's) teaching to partition software simulation and

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hardware simulation (Figs. 29-30) using iterative test-bench components testing as mentioned above, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the decomposition step disclosed by Tseng (combined with Kolchinsky) and combine the profiling technique (so suggested by Trimberger) and the use of test data (as taught by Tseng) for detecting the code portion susceptible for further optimizing, or for accelerating in Tseng's (combined with Kolchinsky) method, because this would enhance further the incremental the code optimization or simulation cycle as taught by the combination Tseng (combined with Kolchinsky's teaching).

**As per claim 14**, Tseng discloses a decomposition step with identifying kernel sections by identifying regular structures (*component type* – col. 17, lines 24-34).

**As per claim 15**, Tseng discloses identifying kernel sections by identifying sections with a limited number of inputs and outputs by way of basic blocks (e.g. col. 44, lines 55-65; Figs. 17,18) of the hardware model, which are register component types fetched from the component type analysis, i.e. decomposition step (e.g. col. 18, lines 20-41—Note: basic blocks are those whose inputs and outputs connection are in very limited number).

**As per claim 16**, Tseng further discloses identifying kernel sections by identifying sections with a limited number of branches (e.g. col. 18, lines 20-41; col. 44, lines 55-65 - Note: a skill in the art would view basic blocks as those having limited number of branching)

**As per claim 17**, Tseng discloses decomposing by identifying sections that are overhead sections (e.g. software model 215, Fig. 3; col. 16, lines 28-32).

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**As per claims 31-38**, these claims are system claims corresponding to claims 10-18, respectively, hence, are rejected herein using the corresponding rejections set forth therein, respectively.

6. Claims 18, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tseng et al., USPN: 6,009,256, and Kolchinsky et al., USPN: 5,535,406, as applied to claims 1 and 22 above, and further in view of Mirsky et al., USPN: 6,457,116 (hereinafter Mirsky).

**As per claim 18**, Tseng (combined with Kolchinsky) does not disclose that mapping includes creating microcode. Mirsky, in the method for configuring array of processing elements in response to state data submitted analogous to the simulation and testing of test-bench components applied to the circuit of processing elements disclosed by Tseng, discloses the use of microcode ( e.g. col. 10, lines 21-32). In view of the use resource-constrained processing elements such as chips and DSP as suggested by Tseng (col. 51, lines 27-34) for partitioning, it would have been obvious for one of ordinary skill in the art at the time the invention was made to implement microcode to the processing element such as taught by Mirsky to Tseng's (combined with Kolchinsky) mapping of hardware configuration to the design circuit for carrying out the simulation process as taught by Tseng. One of ordinary skill in the art would be motivated to do so because this would alleviate memory storage in small device used as PEs in the array of Tseng's system(combined with Kolchinsky), and further improve resource usage and time-efficiency.

**As per claim 39**, this claim corresponds to claim 18 above, hence, is rejected herein using claim 18 rejection as set forth above.

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As per claim 40, Tseng discloses code including context dependent configurations ( e.g. *register component 901, clock component 903, Test-bench component 904* – Fig. 28 – Note: all component-related code with configuration for variables are equivalent to context dependency configurations); but Tseng fails to disclose microcode in place of code. Such limitation has been addressed in claim 18 above and is rejected herein with the same ground of rejection set forth therein.

***Response to Arguments***

7. Applicant's arguments filed 7/14/2003 have been fully considered but they are not persuasive. Following are the reasons therefor.

As per claims 1-9, 19-30, and 41-44 under 35 U.S.C. 103 (a) using Tseng et al., USPN: 6,009,256, in view of Kolchinsky et al., USPN: 5,535,406

(A) Applicants have asserted that “Tseng does not however decompose a program source ... hardware accelerators as recited in claims 1, 43, and 44 of the present invention” ( Applicants’ Remarks, pg. 10, last para.). Examiner likes to point out that a program source code is a program written by a developer in a human readable format then is compiled into a machine-readable format. The corresponding rejection as set forth above clearly shows that Tseng discloses a textual program readable by human and a compiler to convert such program into a machine executable form --via intermediate form like RTL -- to effect the signaling and testing of the accelerators of the FPGA. The claim recites a program source code, and as recited this limitation as understood does not exclude it to be a HDL source code, e.g. Verilog or VHDL ( Very High Definition Language) program file, all of which are proven to have been construed from syntax of a programming language like procedural C or Pascal. Nor does the limitation explicitly

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require the program source code to be only C/C++ or Java code. The Examiner has provided a section from a book by Smith ( "*HDL Chip Design*", 1996) showing that HDL as taught by Tseng does come around as a procedural programming language with syntactic constructs analogous to C or Pascal, such as exemplified by VHDL or Verilog programming language, all of which a flavor of HDL. Thus, Tseng, by providing a program source code in HDL, has met the limitation as to use the HDL file and decompose it into kernel sections which via compilation are effected to execute the hardware accelerators as claimed.

(B) Applicants further assert that the cited reference do not disclose " a plurality of kernel sections created from a program source code ...hardware accelerators ..." from independent claim 2 (sic), which is actually claim 22. This program source code limitation has been addressed in section (A) above.

### *Conclusion*

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (703)305-7207. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9306 ( for formal communications intended for entry)

**or:** (703) 746-8734 ( for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA. , 22202. 4<sup>th</sup> Floor( Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

VAT  
August 14, 2003

*Kakali Chaki*  
**KAKALI CHAKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**